

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

TRISHKA LAMPKIN, et al.,

Plaintiffs,

v.

COUNTY OF SACRAMENTO, et al.,

Defendants.

Case No. 2:20-cv-01204-JAM-JDP

ORDER

Plaintiffs' motion for entry of default judgment was submitted for decision without oral argument by the magistrate judge on December 21, 2022. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(19) and 28 U.S.C. § 636(b)(1).

On February 23, 2023, the magistrate judge filed findings and recommendations herein which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiffs filed a statement of non-opposition to the findings and recommendations. ECF No. 58.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . ."). Having reviewed the file, the court finds the findings and recommendations to be supported by

1 the record and by the proper analysis.

2 As observed by the magistrate judge, the complaint fails to allege sufficient facts to state a
3 claim against Matthew Cortez, the sole remaining defendant. ECF No. 55. Accordingly,
4 plaintiffs' claims against Cortez are dismissed with leave to amend for failure to state a claim.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations filed February 23, 2023, are adopted in full;
- 7 2. Plaintiffs' motion for default judgment, ECF No. 49, is denied;
- 8 3. Plaintiffs' claims against Matthew Cortez are dismissed with leave to amend;
- 9 4. Any hearing dates and deadlines previously set in this matter are vacated; and
- 10 5. Plaintiffs are granted thirty days from the date of this order to file and serve an
amended complaint if they so choose. If Plaintiffs conclude that there are no claims that can be
11 brought against Matthew Cortez they should so inform the Court and this matter will be closed.

12 Dated: March 28, 2023

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JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

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